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March 23, 2012

Judiciary Committee

Testimony of Michael Burns in support of H.B. 5548 An Act Concerning Domestic Violence

Senator Coleman, Representative Fox, Senator Doyle, Representative Holder-Winfield, Senator Kissel, Representative Hetherington, and members of the Committee.

My name is Michael Burns, and I am an attorney at Connecticut Legal Services, Inc. I have been representing victims of domestic violence for 25 years and I am here on behalf of the 3 major legal services organizations in Connecticut to testify in support of House Bill 5548 An Act Concerning Domestic Violence. Connecticut Legal Services, Inc., Greater Hartford Legal Aid, and New Haven Legal Assistance all are in support of this bill. The purpose of this bill is to implement some of the recommendations of the legislative task force on domestic violence. The task force should be complimented for its work. Among other things, this bill makes several improvements regarding civil restraining orders and criminal protective orders. There is one in particular improvement which I would like to discuss.

When a restraining order or protective order is granted by the court, the clerk of the court sends a copy of the order to the victim, and to the local law enforcement agency for the town where the victim resides. If the defendant resides in a different town the restraining order is also sent to the law enforcement agency for that town. Upon the request of the victim, the order is also sent to the law enforcement agency of the town where the victim works, if it is different from the town in which the victim resides.

Through amendments over the years, the law has incrementally provided better protections by having restraining orders and protective orders on file with the law enforcement agency where a violation is most likely to occur. This has improved safety of victims with quicker responses to threatening situations. Typically an abuser will go after the victim at their residences or their workplaces.

It is also very common for an abuser to go after their victim at a school or other educational program where the victim attends. One of the additional protections that this bill provides is that the clerk of court will also send a copy of the order to the school or special police force for that school, if there is one. This provision is a much needed improvement. I have had a lot of experiences with abusers showing up at schools.

However, something very important is left out. Abusers not only show up at educational facilities where the victim can be located, but also go to schools and child care centers where the children are. If there are children of the parties, or if there are children involved in the family dynamic, it is very common for abusers to use the children to get at their victim. Children are often put in the middle of a horrible situation and used as pawns in an abusive relationship.

So, to better protect children, I am suggesting that at the end of the new sections which require the clerk of court to send a copy of the order to a school where the victim is enrolled at the request of the victim, language should be added stating that: **"At the request of the victim, any order of protection which includes any protections for any child listed on the order shall be sent by the clerk of court to any school, preschool, day care, or other such facility where the child is enrolled or attends."** This one sentence should be added to the bill in the two places in the bill that provide for the clerk to send the order to a school attended by the victim. Once again, I am testifying in support of House Bill 5548.

By adding this little sentence we will be providing better protection for children.

Thank you and if anyone has any questions I will be glad to respond.